

**WEST HARTFORD TOWN COUNCIL MEETING
JUNE 24, 2014
LEGISLATIVE CHAMBER**

ITEM #1: MEETING CALLED TO ORDER

President Scott Slifka called the meeting to order at 1:00 AM

President Slifka: At long last. I believe we've set a record. We will call the Town Council Meeting to order and begin with the Pledge of Allegiance.

ITEM #2: PLEDGE OF ALLEGIANCE

President Slifka: Okay, a Roll Call please, Ms. Labrot? I've got a flight to catch. I thought I was gonna miss it. We're getting close.

ITEM #3: ROLL CALL

Present were Councilors Chris Barnes, Shari Cantor, Harry Captain, Judy Casperson, Leon Davidoff, Burke Doar, Denise Hall, Clare Kindall, and President Scott Slifka.

President Slifka: Thank you, Ms. Labrot. Number four, Mrs. Cantor?

ITEM #4: APPROVAL OF MINUTES

Councilor Cantor: Approval of minutes. I move that we approve minutes from Public Hearing 4/10/14 on ordinance permitting heliports and Town Council 5/29/14.

Councilor Kindall: Second.

President Slifka: A motion is made and seconded. Any discussion? Seeing none, all those in favor?

[Several Speakers]: Aye.

President Slifka: Those opposed? Motion carries.

ITEM #5: PUBLIC FORUM

President Slifka: We are up to Public Forum. I can't believe Joe has got the sign-up sheet, but he did and surprise, surprise, nobody's on it and nobody is in the audience, so we will skip through Public Forum.

ITEM #6: REPORTS OF TOWN MANAGER

President Slifka: Report from Town Manager?

Mr. Van Winkle: I have nothing.

President Slifka: I will be introducing a resolution praising you. Okay, number seven, Mrs. Cantor.

ITEM #7: CONSIDERATION OF CONSENT CALENDAR

Councilor Cantor: I move that we place items 11, 13, 14, 19 through 26 on the Consent Calendar.

Councilor Kindall: Second.

President Slifka: Motion is made and seconded. All those in favor?

[Several Speakers]: Aye.

President Slifka: Those opposed? Motion carries. Okay, number eight, Mrs. Cantor?

ITEM #8: APPLICATION ON BEHALF OF STEELE ROAD, LLC, THE CONTRACT PURCHASER UNDER AN AGREEMENT WITH MERCYKNOLL INCORPORATED, OWNER OF 243 STEELE ROAD, TO AMEND SPECIAL DEVELOPMENT DISTRICT #33 (243, 253-275 STEELE ROAD AND 2021 ALBANY AVENUE) TO SEPARATE 243 STEELE ROAD FROM SDD #33, TO DEMOLISH THE VACANT MERCYKNOLL STRUCTURE, AND TO CONSTRUCT A 200-UNIT MULTIFAMILY APARTMENT COMPLEX WITH POOL AND CLUBHOUSE AT 243 STEELE ROAD WITHIN A NEW SDD

TABLED. PUBLIC HEARING CONTINUED TO JULY 22, 2014, 5:30 P.M.

Councilor Cantor: Table 'til 7/22.

Councilor Kindall: Second.

President Slifka: Okay. Motion is made and seconded. Table is a nondebatable motion, so all those in favor?

[Several Speakers]: Aye.

President Slifka: Those opposed? Motion carries. Number nine, Mrs. Cantor.

ITEM #9: ORDINANCE CONCERNING MEDICAL MARIJUANA PRODUCTION FACILITIES AND DISPENSARIES

ADOPTED AS AMENDED, VOTE 5-3, 1 ABSTAIN

Councilor Cantor: I move that we adopt.

Councilor Kindall: Second.

President Slifka: Motion is made and second, and who'd like to go first? Mr. O'Brien.

Mr. O'Brien: Mr. Mayor, I think...you're gonna have...you've got the proposed ordinance, but then there's an amendment to that to have it limited to the IG zone.

President Slifka: Somebody has to make amendments.

Mr. O'Brien: Yeah. And then there's...the amendment to ban it outright.

President Slifka: So...I'm opening it up. Who wants...? Mrs. Hall.

Councilor Hall: I'd like to propose an amendment to this ordinance that would substitute the areas that would show it as a permitted use in certain places with the distance requirements and instead exchange it for a new section 177-16.9, Medical Marijuana Production Facilities and Dispensaries, Medical Marijuana Production Facilities, and Medical Marijuana Dispensaries shall be a prohibited use in all zones.

President Slifka: Okay. Motion is made and seconded, so a discussion would be on...at this moment, on the proposed amendment. Is there further discussion? Mr. Captain? Mr. Captain, go ahead.

Councilor Captain: I'm wondering if you have that written so that we can review it? Thanks.

President Slifka: Mrs. Hall does. It is exactly as she read it, but pass it down to everybody. It is one sentence. You go...you can go, keep going.

Councilor Hall: All right, so obviously we had a lengthy discussion during the public hearing, and just to recap, it is our feeling that given that it is still a federally prohibited narcotic, that we have the ability to ban this in West Hartford, and we think that given that most of the people came out and spoke against it and did not want marijuana produced or sold in West Hartford given the public safety issues around selling or dispensing or producing this drug, which involve everything from the fact that it is not...prescribed with certain amounts so that there is no understanding from people who could be taking it exactly what the dosage should be, around the fact that any of these businesses would not be able to obtain a bank because of the fact that no bank would want to get involved with dealing with a client where you are...by law have to file suspicious activity reports on engaging in a...selling a federally illegal substance. We think that there's every reason to believe that the state has...would not have an interest in...fighting us over this. They've got sufficient places in the state to pres—for people to gain access to it now, and I think that there would be no harm in our proposing this ban and not having any facilities in West Hartford. I think this still allows us the opportunity if the state were to challenge it that we could...you know, we could deal with that if it came up. I don't think that the state is really, you know, in the business of saying that we're going to force a town to sell a drug that's illegal from

the federal standpoint. Again, earlier in the evening, my learned colleagues over here with a legal background went through a lot of discussion on federal and state pre-emption, which I think was very valid, and so I think that a ban of the substance all together, of selling and producing it in West Hartford is perfectly in order, and there is no harm in West Hartford sitting back and seeing how this plays out in other parts of the state before we want to engage in it. I also strongly feel that it will be something that the FDA deals with soon, and going through these legal maneuverings will hopefully be a moot point in the near future and anyone who needs the benefits of this drug will be able to get it in a way that doesn't put the town in a position where public safety becomes a factor.

President Slifka: Okay. Thank you, Mrs. Hall. Mr. Barnes, go ahead.

Councilor Barnes: Thank you, Mr. Mayor. I concur with Mrs. Hall's comments, and I'm sure it comes as no surprise that, based upon my earlier comment, that I support a ban as well. I believe the position that I've taken is consistent with the public sentiment that we've heard not only at the Public Hearing but that has been shared with us, and I support a ban for those reasons. And if the state, based upon what I'm hearing, the concern that the state could take some action in the future, my position would be ban it and see what comes from the state and take appropriate action at that time but not have that influence our decision whether in principle we feel like we should ban it or not. I don't consider what the state may do a dispositive factor in the analysis, so I would vote to support this amendment to ban this business in our town.

President Slifka: Mr. Barnes. Anyone else? Oh, go ahead Mr. Doar.

Councilor Doar: Thank you, Mr. Mayor. This...I think this started in the fall. Actually, I think the mayor was missed the first meeting, and my position on this issue really started that night with some compelling testimony from certain residents of West Hartford who spoke eloquently about the need to use marijuana for medical purposes. We had an engaging discussion that night, and I think I'm partly responsible for being here so late because your...your colleagues here at the table, particularly the mayor, have indulged me to be able to be in attendance in this meeting because I've had some conflicts with meetings, and so I appreciate that. But I didn't want to—I didn't want to duck this vote because I—it is a very—to me, it...in one level, you could say it's a pretty simple matter because the state's spoken, and therefore the town just becomes a zoning issue. But on the other hand, I think it...on the other—there's another way to look at it, and I think there's some—lots of various issues that are wrestling in my mind. I start with...and Miss Hall brought it up, and I wasn't gonna say this, but when she brought it up it made me think about it. It is...I do think about the supremacy clause, and I do have a personal understanding of that. It is 50 years since the Freedom Summer, so for those of you know what Freedom Summer is, that is when a lot of committed young people in this country decided that what was taking place in certain states in the South was a violation of federal law. It was a violation of federal government. It passed certain civil rights statutes guaranteeing the right for black citizens to register to vote, and my father was very involved in that, and so I grew up with a very keen understanding of federalism, a very keen understanding of the role in certain cases where the federal government has to step in and act when there is such disagreement, or the rule of law is being violated from one state to the other, and of course over our lives, those issues have played out in many different cases, many of them regarding discrimination, and in most cases,

I've...I've taken the position that the federal law on those issues should be the supreme law of the land, and so tonight here I am. I'm just a volunteer town council elected official in a little town in West Hartford, but I do...I am...I am urging all of you, and I know you all are...conscious of the significance of the fact that this is a violation of federal law. And sooner or later, the Supreme Court will decide this conflict, because that's where it's headed. It has to. The FDA is the sole decision maker with respect to the approval of drugs of this type under federal law, and we have a direct conflict. The State of Connecticut is saying that the FDA has no...their position is not relevant to the State of Connecticut as I understand it, and therefore they've acted in the interests...of they think the best interests to the residents of Connecticut. So I think there is something to think about that. On the other hand, another issue that's wrestling in my mind is what we always talk about with zoning issues. What are the interests of the people of West Hartford? That's who I'm really charged with, and is there something unique about West Hartford that...where if Hartford were to allow dispensaries or production facilities—or maybe they wouldn't. Maybe Bristol would or other towns, but for whatever reason, this body decided there was something about West Hartford that said that we ought to have an outright ban on it. An outright prohibition. We shouldn't prohibit in any use either...and I started out by urging some discussion about whether or not there was a distinction between production facilities and dispensaries, because I think they are different. And I was struck tonight in many ways by the irony of the Steele Road hearing, because when I was listening to Steele Road, there were so many residents who talked about what is the backbone of West Hartford, and the backbone of West Hartford—what makes us unique maybe to other towns, and I think all of us are in agreement with it. It is the very residential communities that people that live on Stratford Road and around Steele Road are so...admire so much. We know, Ms. Kindall, on your very street, your adherence to try to protect that development from taking place on your street because of the unique nature of our residential communities. This happens to be a community that not only has two outstanding public high schools, and that's unique because many West Hart—many Connecticut towns don't have two—but we also have two excellent private high schools, in Kingswood Oxford and Northwest. So we have, over time, evolved into a very town the residents of...spoke at the public hearing tonight on the Steele Road application. It is our mantra. And what is that mantra? We are a town that seems to attract families to come and make a life here and to educate their children. And that, I think, draws a distinction. Maybe that's an—a bit of arrogance on my part—but I think it draws a distinction between West Hartford and other communities, and I think many of you, at many times at other meetings have shared that sentiment—maybe not intentionally to be arrogant, but just to simply to be proud of what this town has done over the years in sometimes very trying economic circumstances to create that kind of feeling of community amongst residents who want to raise families. And so when I think about that, and I think about the people who testified at the hearings about their concerns about having a dispensary in this town or a production facility—and I do...and I do think about the dangers of addictions. I think it...I think it's...it's something that weighs on all of our minds, and we probably all have personal stories to that, and I read about people who, for instance, who I admire who have suffered through that. I point out to many of you that there are others, and it doesn't really regard—it's regardless of party—who are concerned about...about this trend towards more greater and greater use of marijuana. When I think that the state passed a law that says that we're gonna permit this drug to be used for certain medical purposes, but under no circumstances can anybody get it if they're 18 or younger, then I get confused on that, because I wonder to myself if my 15-year-old son developed glaucoma, and that happens to be

one of the illnesses I understand it that medical marijuana could be used for, but of course he wouldn't be entitled to get the card because he's not of age, so that means—at least in my thinking—that there are other drugs that can be substituted than medical marijuana for...to give some relief to the people who need it, and believe me, I'm...very...sympathetic to pain and to people who need medical treatment for illnesses, but—and then I did...I did query Clare, I query several doctors, and I've talked to...I happened to come...I have a father-in-law who's a doctor, a brother-in-law who's a doctor, a wife who's a nurse, and the medical community strikes me as being significantly conflicted on this, and frankly the ones that I talked to seemed to persuade me that they really were gonna be in difficult knowing how and whether or not they would even be—sign up to be one of the providers of this. And whether or not we think that's relevant or not to the issue, maybe I'm wrong. Maybe the mayor is right, and Leon's right, we shouldn't talk about that tonight, but those weigh on my decision. And so when I cut into this amendment that my colleagues have proposed and I weigh all of those various factors, I have to say to myself, I...the one that really tears at me the most is the fact that...the two issues that the uniqueness of West Hartford and our commitment to children, particularly by the way not just—we're such a town—we're so progressive in so many things. This is a town that have one of the only Miracle Fields. We're—this is a town that promotes the needs to help the special—children with special needs, and I just admire that, and I think that gives us a uniqueness, and so I would appeal to you to support this. I know it's tough and I know it's risky—or there's some risks...our distinguished corporate counsel has given us. But I've come, and I wasn't sure where I was on this, but I've come to the conclusion that we oughtta do that tonight and hopefully some of you will support the three of us in this, and if not, we'll move on, but that's...that's how I feel tonight. So thank you for indulging me tonight.

President Slifka: Thank you, Mr. Doar. Mr. Captain?

Councilor Captain: Thank you, Mr. Mayor. Like all of my colleagues at this table, we have put a lot of thought into this topic, and personally for myself, I've had many an argument with my own colleagues about...the problems I'm having with the federal law versus the law of the State of Connecticut, and I'll circle back to that when I get to the end of this. However, when my colleagues on the opposition propose this out-and-out ban and list a couple of reasons, the first one being that most people—or most people that showed up—didn't want it, and that's true. However, the definition of most people or the reality is is that less than ten people showed up. And less than ten people showed up after two of you went out to the public with a public letter to whoop up the crowd to pack the room, and only ten people showed up. And I've actually never—I've never seen any type of hearing by the council where members of the council went beyond the public announcements of what was going on for a public hearing. Compared to a packed room of people here tonight for Steele Road. So there were people here, and there were less than ten. But for other pieces of the record or things that have happened since then, is Quinnipiac University did a Q-Poll in May, and 90% of the respondents in the State of Connecticut support the use of marijuana for medical purposes. And strangely enough, the next lowest number is...the support did drop—it dropped down to 69% of people actually support dispensing it in their town, so...I believe there's more validity in the Q-Poll than in a group of ten people that showed up who have possibly been influenced by council members getting a crowd out. There's another argument about banks in that we wouldn't be able to get a bank. I think we're—there's gonna be a bank that's gonna want to do this business. HSBC, one of the

largest banks in the world agreed to a \$1.9 billion fine because they were money laundering and they were caught money laundering for the drug cartels. They were buying American currency through Mexico. One of the largest banks in the world. There's gonna be a bank who's gonna support a legitimate state law business related to medical marijuana. And then the issue of public safety. Alcohol is the only drug where there is a measurement in your bloodstream where you can be prosecuted for being under the influence. We have an opioid epidemic in this country, and there is no definition of how you are under the influence for opioids. I'm not saying that that makes marijuana issue good or bad, I'm just saying other than alcohol, we have prescription drugs, and we have people abusing prescription drugs out there with no measurement that they're under the influence. So to circle back to where I started with my problem with the government and the federal government and where they're coming down on this...we're a member of the governing body in West Hartford, and West Hartford is a political subdivision of the State of Connecticut. The state of Connecticut has passed this law. We need to zone it appropriately. We don't have the authority to ban it. We have the authority to limit what zones the dispensaries and the production facilities can be located in. So while I agree, I have a big problem with the federal government having it be illegal right now and the state opposing it, I don't have authority over the federal government. I have to—I have to set law in West Hartford according to the body that gives us the ability to do so, so I'm not gonna be able to support your amendment.

President Slifka: Ms. Hall?

Councilor Hall: I think one of the challenges with this ordinance is that it's not like one of the...other zoning issues where we put up a sign that says this property is the subject of a zoning issue, and if you live next door you know you should take an interest in that and find out what it's about, and I think we saw tonight with the Steele Road that people feel very strongly when something is going to happen on their street or in their neighborhood, and the tricky part with this ordinance is just it saying we're going to allow something in this zone. The vast majority of people have no idea what zone they're in or what zone is next to them, and I do think that if the ordinance said we are going to permit production on Flatbush Avenue and retail sales on Farmington Avenue, then I think that would have created a large public interest in it because then people could say, wait a second, I live on Farmington Avenue. I feel...you know, that concerns me. One of the reasons we put that letter out is because we were really trying to raise awareness because we didn't have something like this zoning...law. We didn't have someone sign on a property. We don't have someone like Mr. Coursey knocking on doors within...you know, the 300-foot perimeter or even more. So many of the people that I've spoken to about this have said, I didn't know anything about this. How come—how come I haven't seen anything about this? I think it's one of the most frustrating things in the world to me is how...how much time we put into things, and then you talk to people and they have no idea what's goin' on. They don't—whether it's not reading the paper or reading any of the different publications we put out. And this does, I think, have a big impact, and we wanted to do what we could to make sure that people understood what it meant because those normal zoning things didn't happen here. So I don't think it was just us trying to gin up interest. We thought it was a way to help inform the public of one of the decisions that the council was going to be faced with.

President Slifka: Mr. Barnes?

Councilor Barnes: Thank you. And just to follow on that, as Denise mentioned, we put out the letter to ask people what their views were, for or against. It was not intended to whoop up a frenzy, as you stated. But I am disappointed to hear that somehow you're against public involvement in the process and think that that's a bad thing. It was intended to—as Ms. Hall mentioned—to let people know what was going on. And shockingly, I had a conversation with someone yesterday who's a doctor in town and has lived in town a long time, and I told him that we had this hearing. And he said, oh, what's the issue? What's the issue? It's been going on for a couple years, and about nine or ten months before this council, and he was not aware of it, and he said, that's a terrible idea. There are a lot more problems with this than are known, and we went through and had the discussion like I did with a number of people as I mentioned, 30 to 35 that either emailed me or called me, or the emails and the submissions that we received tonight, so the public record is not limited to the ten people, the majority of which were against it. There were quite a few other people that were against it as well, so I would not adopt the Quinnipiac Poll as the guiding star or the guiding light of the feeling of the residents of this town, but as I mentioned, Denise and I wanted people to know that it was out there, and quite honestly, if 80% of the people came to me and said, you know what? We need to do this. This is the right thing to do. You know what? I would've been—that would've—I would've found that very persuasive, and I would've thought long and hard about how I voted, but that's not what I heard from the people in town, and so, as I said, not to whoop up a frenzy but to actually have a debate and a discussion with people about how they feel about the issue was our intention. Thank you.

President Slifka: Thank you, Mr. Barnes. Mrs. Kindall?

Councilor Kindall: I think it's late, and I think we're all getting a little testy. I'm—I have to say I agree with everything that Mr. Captain said, and I don't think he was intending so...that he was trying to preclude public comment or that it was inappropriate. I think the more public comment is the better, but I have to agree with his observation. I think there's been a remarkable lack of public interest or concern about this issue. That in every one of the Steele Road proposals, all of us have been copied on those emails, and I haven't been copied on any of those 35 emails you had. I have...I have two for tonight, maybe one for tonight. There—eight people testified at the March 25 one, one was Kimberly Boneham. One was Commissioner Rubenstein. The other six—two were for and three...and four were against it—so I've actually been quite surprised by the remarkable lack of public interest...or public comment. But with respect to the issue of banning, as...in my legal judgment, I agree with corporation counsel that I don't think it's a wise...path to take. I think we are a subdivision of the state. I think the state policy makers and legislators and elected officials have made these—has made this policy judgment—and that for me the issue was zoning. I respect that you guys think differently. I mean, I don't...you know, I think this is a point where we can disagree—we can agree to disagree—so I will not be supporting the amendment, but I appreciate both the care and the passion that went into it.

President Slifka: Ms. Kindall. Go ahead, Ms. Cantor.

Councilor Cantor: Just very quickly, because it's very, very late. I was looking up prohibition. I actually found a New York Times article about prohibition effectively deregulating the alcohol market, and it actually said the market still existed but without oversight, and that actually really hit me, because the fact is that we've been...we've been told what we...what our state deems as

what's to be regulated, and people with...seriously ill patients...unfortunately seem to be getting this on the black market, and I feel like as a community our state has deemed this as a legal activity for seriously ill patients, and we have the responsibility to zone it, and that's the route I'm taking.

President Slifka: Thank you, Mrs. Cantor. Um...I'll try not to be repetitive. My gosh, it is awfully late, and I do have a flight to catch. But just...we are... I can't believe it. What we are debating right now is the ban amendment, not the overall ordinance, and just to speak to that, I won't...I agree with what my colleagues have said, but I have got three basic reasons for not banning. One is because under the advice of counsel, we can't. Yes, we can take the act and see if we're challenged, but no, we don't have the right to do it based on that opinion with the acknowledgement that reasonable minds might disagree, so that, in my mind, not an option before us today. Regard—and so as a result, we're dealing with the reality that we—whether you like this or you're a big...and you're a big proponent of it or you hate it with all your...your might—this is gonna be sold and distributed and manufactured in the state of Connecticut. It may be done in towns that neighbor us, and we're going to have...we're gonna have residents who have prescriptions...but who're able to get it with—from a doctor, whatever the term is, and that's happening. And so I get concerned about the risk we...had a debate about I think it's a risk worth taking is the phrase that we heard, and that is a position I respect. On the other hand, I think there is a big risk of not acting responsibly tonight and putting in proper...proper restrictions that would be upheld by a court, because I don't want to run the risk that this ends up in places that we would all agree we would never want it to be, and so what we will hear from—shortly, I assume—is the amendment that we talked about at the...in the Public Hearing that would further restrict this from where it was noticed in the original proposal. And just two last thoughts on that. One, we've got veered into a little bit of a trying to figure out what's the public thinking in West Hartford, and it's always a hard thing to do, and I meant to say at the beginning that everybody is conflicted about this. This is conflicted on a lot of levels, and it makes this difficult for everybody and for every argument that there's some clarity, there's something else that comes up that makes it even more unclear, and it's been odd because nationally and in state, it's not a republican/democrat issue, either, for every, you know, democrat that you guys might point out is opposed to it, there's several republicans that have the other...the other view. So we're all conflicted in all sorts of ways. But one thing I think missing in gauging the level of support or need that we need to consider is that the vast majority of the people who probably would really need this and would really be looking for our compassion can't speak for themselves and would not be at a hearing because there's still a stigma attached to this, and they perhaps don't want to be identified or their families don't want them identified, and that's out there somewhere, and I just think we need...we need to take it into account. But the last thing, other than the risk of not going along...not acting properly and putting in proper restrictions, and my...my big concern about it is, so if I did ban it, what would I be accomplishing? And in the end, I would be essentially telling a resident of West Hartford that you have to drive somewhere else to get this, because you can still buy it here. You can still use it when you get back to your house, but I'm just gonna make you drive farther, and that's not enough for me to support it. I don't...I don't think that...accomplishes much. If the state was more clear and told us what we could or couldn't do, maybe it's a different discussion, but I don't think it's worth just telling that resident who's in need or their families, you know, and they say, if I were to support a ban, and they'd say, well what'd you accomplish with that? Because you're not getting it out of the

state. I'd be hard pressed to explain to them really what I did accomplish, and so for all those reasons, while I certainly respect the position, I can't...I can't support the amendment to ban. So if we have nothing further, then I think we need a roll call. Ms. Labrot? This is on the amendment.

Councilors Barnes, Doar and Hall voted YES. Councilors Cantor, Captain, Casperson, Davidoff, Kindall and Slifka voted NO.

Ms. Labrot: The amendment fails.

President Slifka: Okay. Mr. Davidoff, would you like to...offer your amendment?

Councilor Davidoff: Thank you, Mr. Mayor. Passing around copies of the revised ordinance...so basically, if one looks at page 14 of the handout that's just been passed out, what's new is...how I move that we amend the ordinance concerning...medical marijuana production facilities and dispensaries, and the amendments are noted on page 14 and 15 of what has been handed out, and it basically...

President Slifka: You need a second.

Councilor Captain: Second.

President Slifka: Okay, we're in discussion then on the amendment.

Councilor Davidoff: Thank you. So what we're seeing here that's new this evening is in Section A, medical marijuana production facilities will be allowed in IG zone subject to the requirements of 177-42A, and they would not be permitted within 200 feet of a school, municipal park, recreational facility, place of worship, or single family or multi-family residential zone. No production facility shall be permitted on a site that is within 1000 feet from an existing production facility. Number three, I don't—that's not a change—it talks about the signage and the advertising, and four is not a change in terms of it has to comply with the Connecticut general statute. Section B says that medical marijuana dispensary facilities shall be allowed in IG zone subject to requirements of 177-42, and they should also be within the same criteria in terms of distance under the same categories. So, not to be repetitive, Mr. Mayor, as I stated during the Public Hearing, I find that this to be a restrictive zoning ordinance that discusses a permitted activity in the State of Connecticut, and we're talking about where this permitted activity would be allowed to be engaged in the Town of West Hartford, and that's basically simply what it does, and I think it addresses a lot of the issues that I heard during the conversation we had during the first time as well as I think it serves the best interest of our community as well as meets the spirit of the law with respect to the medical marijuana law in the State of Connecticut. I'm sorry, I'm usually a little bit more articulate, but I'm sorry.

President Slifka: All right. Thank you. Mrs. Cantor?

Councilor Cantor: I thank you...thank you, Councilor Davidoff. I appreciate your...extra work on this and distributing all the materials and everybody's really...incredible, thoughtful

deliberation over all the issues related to this. Our overwhelming concern—I think all of our concern—is the public safety of our community and the quality of life, and I think this amendment does accomplish the state’s...it accomplishes the...what’s in the best interest of West Hartford, our highly populated, very dense community with many, many business centers. We’re a little different than most communities, but we—we’ll still be able to have a small area that...at least...if...if there are members of our community that do happen to...or there is an interested party that wants to do this and it is approved all the way down the line through the state and through our zoning board, that seriously—seriously ill—seriously, seriously ill patients can re—and the neediest of us can receive the relief that they need.

President Slifka: Thank you, Mrs. Cantor. Mr. Davidoff?

Councilor Davidoff: I would be remiss if I didn’t thank Attorney Boneham and our Town Planner, Mr. Dumais, for looking at the empirical data necessary to produce the map that we all have here this evening and...Attorney Boneham’s interpretation of that maps to reflect...in the ordinance as to what is depicted in that map, so I truly appreciate their efforts, and I just want to get that on the record as well.

President Slifka: Thank you. Mr. Barnes?

Councilor Barnes: As drafted—and I just want to make sure that this is what you intended—no production facility can be within 1000 feet of another production facility, okay? And the same with the dispensary. But, as written, is it your intention that a production facility and a dispensary could be side by side in this...pink zoned area in Elmwood?

President Slifka: Mr. Captain?

Councilor Captain: Thank you, Mr. Mayor. Mr. Barnes, I actually think that that is in the regulations issued by the State of Connecticut Department of Consumer Protection. There were—I remember the commissioner talking about distances required between dispensaries and production facilities, so I think that’s within the state regulations.

Councilor Barnes: Thank you.

President Slifka: Mr. Doar?

Councilor Doar: First of all, I would admire any members of our...my colleagues here who think thoughtfully about different issues and try to propose ideas to try to get to a consensus, and when I saw this, and I did see this for the first time tonight, Leon, and...you know, I thought it...it was thoughtful in trying to balance the interests, again, of our community. It is...it is important, I think, for all of us to recognize there must be something about the...the way these dispensaries and production facilities are going to run that gives all of us, or those of you who might support this amendment—some pause, because of course when you look at this map, we’re clearly trying to steer these dispensaries and production facilities away from our...primarily from our residential communities and from our primary business district. My concern about the amendment is that...we also have talked in other meetings about the

importance of developing our industrial area for some form of either additional residential areas. That is the area where we're going to have fast-tracked currently what we used to the busway, and so, you know, we're...this is the...this is the challenge we all face tonight. I'm not just saying you, but I'm facing it, too, because this amendment's in front of me. Is this really the right choice? Because there's gonna be some...there's some...I'm say...I want to say the word—I can't think of it right now—but I was going to say controversy, they're not controversies, but there's some...there's some issues associated with this when we restrict it just to the IG zone, because in theory you could be, for instance, giving pause to anyone who may want to come and develop a business in the IG zone and be concerned what impact these facilities could have on their business. Now it may be that you've weighed all that—I just throw it out for discussion purposes—and you've concluded that you're...willing to nevertheless support the amendment. But anyway, I just...I thought I'd share that with all of you for what it's worth.

President Slifka: Thank you, Mr. Doar. I...I don't know what I was going to say...I think...Mr. Doar, to your point, the one thing that's...that's difficult is that—or I want to point out is that obviously this is not encouraging a development. It's not hoping that you get one. It's saying that if you had to—if someone else is gonna come and apply, this is where it would have to go, so I appreciate those concerns, but I don't want...I don't want to leave the implication hanging out there, saying we really, really want it to go there instead of there. It's just saying that...that as a balancing act, we think that that would be the place to be. I do appreciate Mr. Davidoff's efforts on this, and I'm glad he thanked Kimberly Boneham and Todd Dumais for putting it together. I think my reasons for supporting the amendment are my reasons for supporting this overall. You know, just...we...okay, we've been very repetitive at this point. I'm as guilty as anybody else, but, you know, as we go to vote, we need to be reminded. This is not a proposal that this council came up with. This is a reaction to a state law, and we're trying to...we're trying to zone in relation to that. We're not talking about legalizing. We're not...that's not before us. We are not...we are not...that ship has sailed, okay, and so what we're just trying to do is find—a good way to think is a balance between what our statutory obligation is, what our level of compassion is for those who need this and have a legal right to it, and then also the very real...in the news example of a community that while I agree they probably—we don't have a poll, but I would agree that most people in the town probably are supportive of the concept—they also don't want West Hartford to become Denver, and that we are not...this is not an act of legalizing it or endorsing what is happening at the state level. It's trying to balance all those competitive interests, and I think that the one point of vulnerability that might have existed, at least for me, at this point in time with all the inherent conflict hanging around this was the fact that it could've been allowed in retail establishments, and I do think that is a spot that at least this point in time with all the uncertainties out there, might've been a bridge too far. This, I believe, is a way to...is a kind of a proper way to handle it as this begins in its infancy and will not have an adverse impact on our successful business centers or on our residential neighborhoods, but at the same time, while I know others might disagree with this point, does balance the compassion of not forcing residents in town who legally have a right to it or their caregivers to drive a far extra distance to get it and use it here. So I've spoken through the hearing, I've spoken on the ban, and I just thought I'd try to sum up what those points—but this is an attempt to balance the competing interests that we can't ban, in our mind. We want to be compassionate, but we don't want to go so far as to...to become a Denver and to send the signal that that's what we would

like to be, and I think this...this accomplishes it. So for all those reasons, I...I'll be in support. Go ahead, Mrs. Hall.

Councilor Hall: Also just want to thank everybody in the town who's put in so many hours today. I appreciate everybody's hard work. I do find it a little bit ironic that today we arrested a 28-year-old man from Flatbush Ave probably right in this vicinity where we're going to supposedly allow this for operating a grow...I guess they call it...with 46 marijuana plants and other paraphernalia. So that was today in Flatbush Ave. I also sort of think that the mere fact of we're saying we're only going to allow this here somehow implies that we don't think it's a good thing to have. And so we want to keep it to just one small area of town, and so to me that just doesn't feel good, either. I...as everyone knows now, I'm in favor of banning it, and so...I'm sorry I can't support your resolution. I do appreciate all the work that went into it. I just have one question, so say if...you know, as we are changing our industrial zones to...you know, be more mixed use...if now we have a residential development and we still haven't had anyone come in and apply for a license in that area, is that whole area—would that then be grandfathered so it could be? Or the fact that nobody applied and now we've got a house next to...in that zone or that former zone—would that then make it not allowed? Like who...so...?

Mr. O'Brien: Yeah, I mean, if there's a residential property that arises in that zone, then it's gotta be 200 feet away from that residential property...and that's part of the...part of the law.

President Slifka: And I...you know, I think it's kind of humorous you brought up the pot bust. I mean, we all saw that headline as we came in and say, gee, the irony. It's true, but I wouldn't say...I don't think it's inconsistent in the sense that the person who did that, as far as what I've read, is that somebody's selling it for recreational use. That's the black market. That's the part that we don't endorse, and we're not endorsing that by this act. Mr. Barnes, go ahead.

Councilor Barnes: Just as a follow-up to my first question about the thousand-foot rule and where these types of business could be located, whether a production facility could be side by side with a dispensary—I've looked through the statute, I've looked through the regulations. I've not been able to identify that...the section that bans those two from being within a certain number of feet, and so I hope you guys have thought through that issue and are comfortable with it based upon the representations as you've stated, that you think the commissioner said that, so I hope that is, in fact, the case, but I just looked through it, and I couldn't find it. And one additional comment as I was going through all my paper, I note a letter that we received back on March 24 from Dr. Rick Liftig who is the chair of the Elmwood Business Association, and the one concern he raised was that...you know, if you look at the...zoning rules and the parcels of land where this type of business would be acceptable, he said they are all in Elmwood, and this is discriminatory and encouraged us not to take this type of business and put it in the middle of Elmwood, and unfortunately for Mr. Liftig, it appears that is what we're gonna do.

President Slifka: Well, not quite. That's...that...it's in our industrial zone. The industrial zone happens to be in Elmwood. The—but this specifically does not go into the center of Elmwood. It's designed to equate Elmwood Center with all of the other business centers so they would not be impacted. Mr. Liftig's business would not...would not be impacted by this, but unfortunately, yeah, if we're going to put a headline out that says we want to really simplify this and make it

not what it really is about, it...that spot is located in Elmwood. But it is only because that happens to be the...it's the industrial part of it, not the residential, not the commercial part. And we don't have industrial zones in any other part of town. Or else they would be there, too. Mr. Davidoff?

Councilor Davidoff: Sorry...I think it needs to be clear for the record that if one did not support the ban—the outright ban—that you didn't want it in any zone, then I think it was incumbent upon those who didn't want it in any zone to identify zones where it would be an appropriate place to locate the facility. So...I think it was safe to say that we didn't want it in an R zone, in a BG zone, in a BC zone, near an SDD retail zone, and you sort of come through the list and you start checking off the ones that you don't think you'll get a lot of support with, and you get to the industrial zone. And...I think this isn't unique to the marijuana production facilities and dispensaries, because way back when, when the town was evolving, and they were determining where they were gonna put manufacturing, when that was a prevalent business industry classification, they had to do the same thing. They had to say where would it be appropriate? We don't want it so that people don't have quiet enjoyment of their property, so we didn't put it in the R zones, and we didn't put that in the center zones. We put it in the industrial zone. So I think that the rationale is pretty similar today as it probably was back then when manufacturing and industry—industry was prevalent. And...that...that was my thinking in terms of trying to locate a zone, and I'm certain that's how it was done way back when we were creating zones for maps. But I wasn't around then, but that would probably be my presumption. Thank you.

President Slifka: Mr. Doar?

Councilor Doar: And Mr. Davidoff, I really appreciate that, and I think you guys will remember, although it's late, when during the hearing tonight, I...I also raised the possibility or tried to introduce the idea that maybe there should be a distinction between production facilities in your thinking or my thinking and dispensaries. I...you know, when the mayor spoke just a minute ago, and I know he doesn't in any way intend to do this—I think I can fairly feel confident that all of you know that I also, and so does Denise and Chris, are very sympathetic to those who need this. There shouldn't be any dis—doubt about that. At least I'll speak for myself. I...when the mayor says, well, we have compassion, I know he means that he knows that...that...that all of us have compassion. I just know that in him. He's not trying to imply that I don't. The question is...is in his judgment, and this is just where we disagree on that...on this limited point about the dispensaries. In his view, putting it in our town gives it...those residents of our town a little closer proximity to that dispensary than allowing it to be in Avon or Newington or Farmington, whatever...if that so happened. In my judgment, and that was a tough issue for me, I weighed in favor of saying, no, I think there's something unique about West Hartford that I...as much as compassion as I have for those people, I'm...I weighed in the interest of the way West Hartford is, and that's just a different...we're just...and maybe tomorrow night my mind might be different. It's a tough issue. But I will say, again, Leon, I do think that we could have tonight introduced an amendment that banned the production facility, 'cause I also think there's real problems with these production facilities based upon public policy issues, that I think are near and dear to all of us, and...but it's late in the night and that's not what we're...there's no sense in debating it now.

President Slifka: I...was not trying to imply that you had a lack of compassion. I was simply listing the many things we're trying to balance here. So...okay. Anybody else? Okay. Then we need a roll call on the amendment as proposed by Mr. Davidoff. Ms. Labrot? We do the amendment. Whatever happens to it, we then would return to debate on the item itself. The ordinance itself, either as amended or not as amended, and then would have a roll call vote when that discussion is done. Um, so there's two votes.
Go ahead.

WHEREAS, the State of Connecticut has enacted legislation legalizing marijuana for medicinal use; and

WHEREAS, marijuana for medicinal use will be cultivated and produced in licensed production facilities and distributed through licensed dispensaries; and

WHEREAS, the intent of this ordinance is to regulate the location and operation of medical marijuana production facilities and dispensary facilities in order to minimize any adverse impact of such facilities on the Town of West Hartford's neighborhoods, commercial districts, property values and quality of life;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT:

Section One. Section 177-2 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

A. Word usage. All words used in the present tense include the future tense; all words used in the singular include the plural, and all words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.

B. Definitions. For the purpose of this chapter, certain words and terms used herein are defined as follows:

ABUT or ABUTTING -- Having a common boundary.

ADJACENT -- Near; close by. The term "adjacent" includes the meaning of the terms "abut" and "adjoin," as defined; however, it is not intended to imply any definite distance or boundary.

ADJOIN or ADJOINING -- Having a common boundary, with or without the intervention of a street. Thus the term "adjoin" includes the meaning of the term "abut," as defined.

ADULT DAY CARE CENTER – A non-residential facility in which custodial care is provided for more than twelve (12) adults, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention, where the adults are receiving said care on a regular and recurring basis during a part of the twelve-hour period between 7:00 a.m. and 7:00 p.m., for not less than three (3) and not more

than twelve (12) hours. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire, health and housing.

ADULT DAY-CARE HOME -- A nonresidential facility consisting of a private family home in which custodial care is provided for not more than six (6) adults, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention, where the adults are receiving said care on a regular and recurring basis during a part of the twelve-hour period between 7:00 a.m. and 7:00 p.m., for not less than three (3) and not more than twelve (12) hours. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire, health and housing.

ADULT GROUP DAY-CARE FACILITY -- A nonresidential facility in which custodial care is provided for not less than seven (7) nor more than twelve (12) adults, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention, where the adults are receiving said care on a regular recurring basis during a part of the twelve-hour period between 7:00 a.m. and 7:00 p.m., for not less than three (3) and not more than twelve (12) hours. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire, health and housing.

ALCOHOL -- For purposes of this section, this term shall be deemed to have the same meaning as it has under Chapter 545 of the Connecticut General Statutes as that chapter may be amended or recodified from time to time.

AMUSEMENT ARCADE -- A building or room, the main use of which is the storage and operation of amusement devices.

AMUSEMENT DEVICE -- Any mechanical, electric or electronic device used or designed to be operated for entertainment or as a game by the insertion of a piece of money, coin, token or other article or by paying money to have it activated. For purposes of this definition, each station of a device which provides multiple stations, each of which allows separate games to be played, shall be considered one amusement device. This definition does not include:

- (1) A jukebox.
- (2) Rides.
- (3) Bowling alleys.
- (4) A pool table.
- (5) Any device maintained within a residence for the use of the occupants thereof and their guests.
- (6) Any device, the possession or use of which is prohibited by law.

APARTMENT -- A segregated portion of an apartment house, which apartment is provided with bathroom and toilet facilities and with kitchen facilities in a kitchen or kitchen alcove.

APARTMENT HOUSE -- A building arranged, intended or designed to be occupied by three or more families living independently of each other and doing their cooking upon the premises or by three or more individuals or groups of individuals living independently but having a common heating system and a general dining room.

BASE FLOOD -- A flood having a one-percent chance of being equaled or exceeded in any given year.

BEER -- For purposes of this section, this term shall be deemed to have the same meaning as it has under Chapter 545 of the Connecticut General Statutes as that chapter may be amended or recodified from time to time.

BOARDINGHOUSE -- A dwelling occupied by three or fewer persons who are lodged with or without meals, in which there are provided such services as are incidental to its use as a residence for the occupants and for which compensation is paid, either directly or indirectly.

BUILDING -- Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY -- A subordinate building, the use of which is customarily incidental to that of a main building on the same lot.

BUILDING COVERAGE -- That percentage of total lot area covered by the combined area of all buildings on the lot.

BUILDING LINE -- A line on a lot or parcel of land establishing the minimum setback for structures from a street line. Building line may or may not be coterminous with a street line. In the case of a rear lot, the building line shall be established parallel to the front lot line.

BUILDING, MAIN -- A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING PERMIT -- A permit issued by the Building Inspector upon application, certifying that a proposed land use or structure, or any extension or structural alteration thereof, conforms with the requirements of this chapter and all other regulations or codes which are specified in the building permit.

CAR WASH FACILITY -- A commercial establishment for the washing of vehicles, whether performed by automated or manual means.

CHILD DAY-CARE CENTER -- A facility as defined pursuant to Subsection (a)(1) of C.G.S. § 19a-77, as amended, which offers or provides a program of supplementary care to more than 12 related or unrelated children outside of their own homes on a regular basis for a part of the 24

hours in one or more days in the week, which is licensed by the State of Connecticut pursuant C.G.S. § 19a-80, as may be amended, and which complies with all state and local zoning, building, fire and housing code requirements.

CLUB -- An organization catering exclusively to members and their guests, provided that the purpose of the club is not conducted primarily for gain and that there are not conducted any commercial activities, except as required generally for the membership and purposes of this club.

COMMERCIAL MOTOR VEHICLE -- A commercial motor vehicle shall include any vehicle registered for the transportation of merchandise or freight or of employees of the registrant, which is propelled or drawn by any power other than muscular, except such as run only on rails or tracks. Such registrations include but are not limited to commercial, combination, repair, transport, heavy-duty trailer or construction equipment, public service and/or commercial truck, tractor and/or semitrailer.

CONVALESCENT HOME -- A home for the aged or any establishment, other than hospitals, where three or more persons suffering from or afflicted with or convalescing from any infirmity, disease or ailment are habitually kept, boarded or housed for remuneration.

COURT -- A horizontal open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by opposite walls of one or more buildings.

DRIVEWAY -- Any vehicular travelway serving not more than two contiguous lots.

DWELLING -- A building designed and used exclusively as living quarters for one or more families. The terms "dwelling," "attached dwelling," "detached dwelling" and "dwelling unit" shall not be deemed to include hotel, motel, boarding- or rooming house, convalescent or nursing home, mobile home trailer, tourist home or tent. In the case of buildings having two or more portions divided by party walls forming a complete separation above the basement, each such portion shall be considered to be a separate dwelling.

DWELLING, ATTACHED -- A dwelling having any portion of a wall in common with another dwelling.

DWELLING, DETACHED -- A dwelling with open spaces on all sides.

DWELLING, MULTIFAMILY -- A dwelling containing more than one dwelling unit.

DWELLING, ONE-FAMILY -- A dwelling containing one dwelling unit only.

DWELLING UNIT -- A dwelling or portion thereof providing complete housekeeping facilities for one family only.

FAMILY -- Any number of individuals related by blood or legal adoption or by marriage, living and cooking together on the premises as a single housekeeping unit. Customary domestic servants or foster children are an adjunct to the term "family." However, when three or fewer individuals not related by blood or marriage do live and cook together on the premises as a single

housekeeping unit, such individuals, exclusive of domestic servants, may be considered a family, provided that a permit for such housekeeping unit has been issued by the Zoning Enforcement Officer to the owner of the property, which permit may be revoked if ordinances or regulations or laws of the Town relating to health, noise, parking or litter shall be violated in the occupancy of the premises. Application for such permit shall be made annually, and the permit shall show the names of the persons constituting the proposed family unit.

FAMILY DAY-CARE HOME -- A facility as defined pursuant to Subsection (a)(3) of C.G.S. § 19a-77, as may be amended, which consists of a private family home caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not fewer than three nor more than 12 hours during a twenty-four-hour period and where care is given on a regularly recurring basis and which has been licensed by the State of Connecticut pursuant to C.G.S. § 19a-87b, as amended. Such a facility shall be maintained as the operator's main residence and shall comply with all state and local codes and/or ordinances regarding zoning, building, fire, health and housing.

FLOOD HAZARD BOUNDARY MAP -- An official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood and mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M and/or E.

FLOODPROOFING -- Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOR AREA RATIO -- The ratio of the total gross area of all buildings on one lot to the total area of the lot. (The floor area ratio of a building of 4,000 square feet on a lot of 10,000 square feet will be expressed as "FAR equals 0.4.")

FRONTAGE -- A one-dimensional line, measured at the front lot line.

GOLF COURSE RESTAURANT -- A restaurant, defined pursuant to this section of the Code, which is located on the same parcel of land as a golf course.

GRADE, FINISHED -- The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

GROSS FLOOR AREA -- The sum of the horizontal area of all floors of a building, measured by exterior dimensions.

GROUND COVER -- A medium used in a confined area to check or prohibit the growth of undesirable plant materials. Ground cover may consist of plants, such as pachysandra and myrtle, or of materials, such as white gravel, brick or stone pavings.

GROUP-CARE FACILITY -- A supervised residence facility which houses not fewer than six persons who are handicapped, aged or disabled or in need of rehabilitation but are not acutely ill and are provided services to meet their needs. It does not include an institution as defined in

C.G.S. § 19a-490 and required to be licensed pursuant to the provisions of C.G.S. § 19a-490 et seq.

GROUP DAY-CARE HOME -- A facility, as defined pursuant to Subsection (a)(2) of C.G.S. § 19a-77, as amended, which offers or provides a program of supplementary care to not fewer than seven nor more than 12 related or unrelated children on a regular basis for a part of the 24 hours in one or more days in the week, which is licensed by the State of Connecticut pursuant to C.G.S. § 19a-80, as may be amended, and which complies with all state and local zoning, building, fire and housing code requirements.

HANDICAPPED RAMP -- An inclined structure installed for the primary purpose of allowing ingress to and egress from a building by a disabled person and constructed in accordance with applicable ANSI standards for handicapped ramps.

HEDGE -- A hedge shall provide complete visual screening and consist of evergreens at least four feet in height at the time of planting, and it shall be maintained at a height of at least six feet.

HEIGHT OF BUILDING -- The vertical distance to the level of the highest point of a flat roof or, if the roof is of any other shape, to the mean level between the eaves and the highest point of the roof, measured from the average level of the finished grade along the exterior walls of the building.

HOME FOR THE AGED -- An establishment, other than a hospital, which furnishes, for remuneration, food, shelter, laundry and other nonmedical services to three or more persons over the age of 60 years.

HOME OCCUPATION -- An accessory use conducted within a dwelling unit by the person who occupies the dwelling unit as his or her principal residence, which use is clearly secondary to the use of the dwelling unit for living purposes. As used herein, the term "dwelling unit" shall be defined as the same building and unit of occupancy in which the person conducting the business resides. A home occupation may not be conducted in an accessory building or a unit of occupancy in a multifamily dwelling other than the unit in which the person conducting the home occupation resides. Home occupations shall comply with either the performance standards established in § 177-49C(1), as amended, or § 177-49C(4), as amended.

HOSPITAL -- Any establishment for the diagnosis, treatment or other care of human ailments.

HOTEL -- A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building. The term "hotel" shall be deemed to include the term "motel."

INTERMEDIATE-CARE FACILITY -- A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide but who, because of mental or physical conditions, require care and services which can be made available to them only through institutional facilities.

JUNKYARD -- Includes motor vehicle junk business and motor vehicle junkyard, as defined in the General Statutes of the State of Connecticut; any place of storage or deposit, whether in conjunction with a business or not, for two or more unregistered, inoperable, used motor vehicles; and any place of storage or deposit of used parts of motor vehicles and old metals, iron, glass, paper, cordage and other waste materials which, on any lot, have an aggregate bulk equal to one automobile.

KENNEL -- The keeping of three or more dogs over the age of six months.

LANDSCAPING or LANDSCAPED -- That an area shall be at least covered with grass or ground cover. Any additional planting is either specifically required by this chapter or left to the discretion of the property owner.

LOT -- A parcel of land, not divided by streets, devoted or to be devoted to a particular use or occupied or to be occupied by a building and its accessory buildings together, and having adequate access so that a permit for a building or land use could be issued in accordance with this chapter. A lot may or may not be the land shown as a single lot on a duly recorded map.

LOT AREA -- The total horizontal area within the lot lines, except that no portion of the lot which is less than 25 feet wide shall be counted as lot area, and, in the case of a rear lot, the private right-of-way leading to the lot shall not be counted as lot area.

LOT DEPTH -- The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines. In determining the required depth of a lot, any portion of said lot which is in excess of the minimum lot area need not be included.

LOT LINE -- The property lines bounding a lot as defined herein. In the case of a rear lot, the lot lines shall not include, for any purpose, the lines bounding the right-of-way or the fee title area which is used to provide access to the lot from the street.

LOT LINE, FRONT -- In the case of a lot abutting upon only one street, the line separating the lot from the street. In the case of a rear lot, the front lot line shall be designated as the longest lot line abutting the private driveway which provides access to the lot, and in no case shall this line be less than 40 feet in length. In the case of any other lot, the owner shall, for the purpose of this chapter, have the privilege of electing any street lot line as the front lot line.

LOT LINE, REAR -- The lot line which is generally opposite the front lot line; if the rear lot line is less than 10 feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line, not less than 10 feet long, lying wholly within the lot and farthest from the front line.

LOT LINE REVISION -- An adjustment or reallocation of property between two or more lots or parcels of land which does not create a new lot or parcel of land and which is not subject to Chapter A184, Subdivision Regulations, of the Code of the Town of West Hartford.

LOT LINE, SIDE -- Any lot line which is not a front lot line or a rear lot line, as defined herein.

LOT, REAR -- A lot on which the buildable area is located generally to the rear of other lots having access to the same street or streets as said lot and having access to the street via a private driveway serving no more than two lots, of at least 12 feet in width if serving one lot or 18 feet in width if serving two lots. Such driveway may be laid upon property owned in fee simple by the owner of the rear lot or upon an easement or right-of-way provided for access and utility purposes, which property, easement or right-of-way shall be at least 18 feet where a twelve-foot driveway is required and 24 feet where an eighteen-foot driveway is required. The standards for minimum lot area per dwelling unit shall be 1 1/2 times that established for other lots in the same zone, and the standards for side yards shall be two times that established for other lots in the same zone. In addition to the findings required by § 177-42 of this chapter, the Town Plan and Zoning Commission shall, when reviewing an application for a special use permit for a rear lot, find that there is adequate drainage for the access driveway, as certified by the Director of the Department of Community Services.

LOT SPLIT -- A division of an existing lot, whether developed or not, into two lots, unless such division is subject to Chapter A184, Subdivision Regulations, of the Code of the Town of West Hartford or requires a special use permit.

LOT WIDTH -- The horizontal distance, measured at right angles and in the center of the depth of the lot. In determining the required width of the lot, any portion of the lot which is in excess of the minimum lot area need not be included. The required lot width shall not include any area of the driveway which is used to provide access to a rear lot from the street.

MAIN BUILDING -- See "building, main."

MAIN USE -- See "use, main."

MEDICAL MARIJUANA DISPENSARY FACILITY - A place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility license under Public Act 12-155 and Sections 21a-408 of the Regulations of Connecticut State Agencies.

MEDICAL MARIJUANA PRODUCTION FACILITY - A secure, indoor facility where the production of medical marijuana occurs and that is operated by a person to whom the Connecticut Department of Consumer Protection has issued a producer license under Public Act 12-155 and Sections 21a-408 of the Regulations of Connecticut State Agencies.

MONUMENT or STATUE -- A permanent monument or statue commemorating a notable person, group or event deemed by the Council to be of significance to the community, excluding, however, any burial or sarcophagus.

MOTOR VEHICLE -- Any vehicle which is propelled or drawn by any power other than muscular, suitable for the conveyance, drawing or other transportation of persons or property, whether operated on wheels, runners, cushion of air between it and the surface or by any other means, except those used exclusively upon tracks.

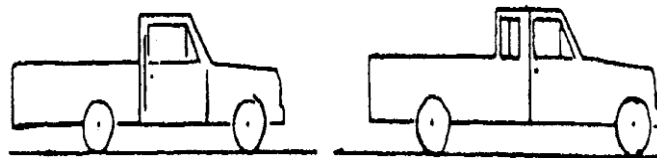
NONCONFORMING USE -- A use of land or a structure which does not conform to the regulations of the use district in which it is located and which was a lawful use at the time this chapter or any amendment thereto became effective.

NURSING HOME -- See "convalescent home."

OPPOSITE WALL -- For the purpose of defining the term "court," walls shall be deemed "opposite" wherever the projection of one wall falls on another wall.

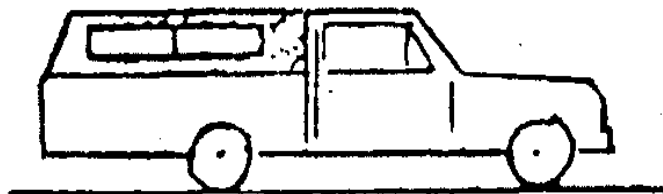
OWNER OF RECORD -- Wherever used in conjunction with a public hearing or public notice, the owner whose name is recorded in the street books of the Department of Assessment at the time when the mailing lists for said hearings and notices are prepared.

PICKUP TRUCK -- A four-wheeled motor vehicle with a chassis length comparable to a passenger motor vehicle, which has an open body with low sides. When the body of the pickup truck is enclosed by a removable cap, the height of which does not exceed the height of the cab, it is within this definition. (See illustrations below.)



Pickup Truck With

Cap



PLAN OF DEVELOPMENT -- The plan of development referred to in Chapter XIII, Sections 4 and 5, of the Town Charter, as adopted and amended.

PLANT SALE -- The sale, by charitable and philanthropic organizations, of small plants, potted in a soil medium. "Plant sale" does not include the sale of Christmas trees, greens and decorations; and the sale of trees, shrubs and plants in containers over six inches in diameter; and the sale of sod.

PORCH -- An open, unenclosed extension from a structure, usually serving as part of the entrance; may be large enough for relaxation on outdoor furniture and most often has its own roof rather than a part of the main structure roof.

PORTICO -- An open colonnade space at the front of the building forming an entrance, with the roof supported on at least one side by columns.

RESTAURANTS WITH OR WITHOUT ALCOHOLIC DRINK AND OTHER ESTABLISHMENTS SERVING FOOD AND NONALCOHOLIC DRINK -- "Restaurant"

means a space in a suitable and permanent building kept, used, maintained, advertised and held out to and known by the public as primarily a food-service establishment where hot meals are regularly served. If alcoholic drink is served in any restaurant, it shall be as an adjunct to the primary function of serving food and operate under a restaurant liquor permit as provided in C.G.S. § 30-22, as amended, and comply with all Liquor Control Commission regulations appertaining thereto. The sale of alcohol or spirits by the bottle to a patron or patrons shall be prohibited. Sales of wine or beer by the bottle to a patron or patrons shall be permitted pursuant to Town Ordinance or Chapter 545 of the Connecticut General Statutes. "Restaurant" also includes other establishments serving food and nonalcoholic drink in an enclosed structure, providing seats for its customers whether at a counter or at separate tables. Restaurants shall be open during regularly posted hours which are clearly marked and shall have no regular and recurring unusual barriers to entry such as cover charges or age restrictions. Except as provided in § 177-6C, Item 11 and Item 17, as amended by ordinance of June 25, 1991, outdoor service, drive-up, window-counter service and curbside service is prohibited. Any type of service of food and drink intended for consumption on the premises outside of the enclosed structure is prohibited, except as provided in § 177-6C, Item 16.

RETAIL FIREARM STORE -- A space in a suitable building, with necessary licenses or permits pursuant to any requirements of state or federal law, used, maintained, advertised and/or held out to the public to be a place from which firearms, including but not limited to machine guns, rifles, shotguns, pistols, revolvers or other similar devices which are permitted to be sold at retail by state and federal law and which are capable of discharging by any force bullets, cartridges, balls or other projectiles or explosive devices, are sold.

SCREENING FENCE or SCREENING WALL -- Devices for complete visual screening. They shall be at least six feet in height and 3/4 solid.

SIGN -- Any device for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, including the devices displayed within three feet behind windows and visible from outside of the building. Merchandise or facsimile merchandise shall not be considered a sign.

SIGN, GROUND -- Any sign affixed to the ground by its own support and/or foundation.

SIGN, MOVABLE -- Any sign used or intended to be used in different locations.

SIGN PERMIT -- Same as a building permit.

SPIRITS -- For purposes of this section, this term shall be deemed to have the same meaning as it has under Chapter 545 of the Connecticut General Statutes as that chapter may be amended or recodified from time to time.

STORY -- That portion of a building which is between the surface of a floor and the surface of the next floor above or, in its absence, the next ceiling above. A basement shall be counted as a

story if the ceiling is more than five feet above the level from which the height of the building is measured or if it is used for business or residential purposes by other than a janitor or watchman.

STREET -- Any vehicular travelway, exclusive of driveways serving not more than two contiguous lots. An approved street is any street whose location has been approved by official action of the Plan and Zoning Commission. An accepted street is any street which has become public by virtue of official acceptance by the Town Council.

STREET LINE -- A line separating a parcel of land from a street.

STRUCTURE -- Anything constructed or erected, including a building, the use of which requires location on or under the ground or attachment to something having location on the ground.

SUBSTANTIAL IMPROVEMENT -- Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TAG SALE (commonly referred to as "GARAGE SALE" or "YARD SALE") -- The sale of used household or personal items, by the resident of the dwelling unit. "Tag sale" does not include the sale of items purchased or obtained for the purpose of resale.

TOWN DEVELOPMENT PLAN -- Same as "plan of development."

TREES, FLOWERING -- Trees, such as dogwood, redbud or crabapple.

TREES, LARGE -- Deciduous shade trees, such as sugar maple, red oak or London plane, and conifers, such as white pine, Austrian pine or Canadian hemlock. Three-fourths of the required large trees shall be at least 2 1/2 to three inches in caliper at the time of planting and 1/4 shall be at least four to 4 1/2 inches in caliper at the time of planting.

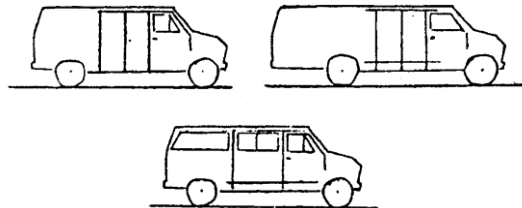
UNIT OF OCCUPANCY -- Any structure or part thereof that is intended to be or is used to house one family, business, industry or corporate entity for the purpose of carrying out the business appurtenant thereto.

USE, ACCESSORY -- A use customarily incidental and subordinate to a main use and located on the same lot with such main use.

USE, MAIN -- The specific purpose for which land, water or a structure is designed, arranged or intended or for which it is or may be occupied or maintained.

VAN -- A box-shaped four-wheeled motor vehicle designed to carry up to 15 passengers or to carry light merchandise or freight. A motor vehicle designed to permit an average-sized adult to stand upright inside it is not a van. Thus, motor vehicles, such as those commonly called "walk-in vans" or "step-up vans," are not included within this definition. (See illustrations below.)

Vans



Step-Up or Walk-In Vans



VEHICLE-INTENSIVE BUSINESS -- A business, the primary purpose of which is to provide services to the public involving vehicles or mechanical equipment off the business premises, such as transport, hauling, common freight carriers or construction, but which involves the parking of said vehicles on the business premises during nonbusiness hours. Examples of such businesses include but are not limited to bus or other private commercial business vehicle fleet yards, such as taxicab companies, parcel delivery services or freight hauling companies, construction companies, refuse haulers and furniture moving companies. "Vehicle-intensive business" shall not include agencies limited to the rental of passenger automobiles or passenger vans but shall include enterprises solely in the business of renting or leasing commercial vehicles, such as trucks or trailers and/or other mechanical equipment.

VERANDA -- An open, unenclosed porch or portico along the front and side of a building; usually covered by a roof for protection from weather.

VERANDA LINE -- A line on a lot or parcel of land establishing the minimum setback for porches or verandas from the street line.

VISUAL SCREENING, COMPLETE -- A type of screening which affords a year-round effect and through which the screened object is obscured.

VISUAL SCREENING, PARTIAL -- A type of screening through which the screened object is partially visible.

WAITING POSITION -- A space in a line of approach nine feet wide by 20 feet long.

WINE -- For purposes of this section, this term shall be deemed to have the same meaning as it has under Chapter 545 of the Connecticut General Statutes as that chapter may be amended or recodified from time to time.

YARD -- An open space on the same lot with a structure, which lies between said structure and the nearest lot line and which is unoccupied except as may be specifically authorized in this chapter. In measuring a yard, as hereafter provided, the "line of structure" shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a structure nearest to such lot line. Such measurement shall be taken at a right angle from the line of the structure, as defined herein, to the nearest lot line.

YARD, FRONT -- A yard extending across the full width and/or length of the lot and lying between the front lot line and the nearest line of a structure.

YARD, REAR -- A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.

YARD, SIDE -- A yard between the side line of a lot and the nearest line of the building and extending from the front yard to the rear yard or, in the absence of either such yards, to the front or rear lot line as the case may be.

ZONING PERMIT -- A permit issued upon application, certifying that a proposed land use, or any extension or alteration thereof, conforms to the requirements of this chapter.

Section Two of the original proposed ordinance is deleted and replaced with the following:

Section Two: Section 177-16.9 of the West Hartford Code of Ordinances is hereby added as follows:

(New) Section 177-16.9 - Medical Marijuana Production Facilities and Dispensaries

A. Medical marijuana production facilities shall be allowed in IG zones subject to the requirements of § 177-42A and the following additional provisions:

1. Production facilities shall not be permitted within 200 feet of any school, municipal park or recreational facility, place of worship, or single-family or multi-family residential zone. Said distance requirement shall be measured by taking the nearest straight line between the respective lot boundaries of said sites.

2. No production facility shall be permitted on a site that is within 1,000 feet from an existing production facility. Said distance requirement shall be measured by taking the nearest straight line between the respective lot boundaries of said sites.

3. Production facilities shall restrict external signage to a single sign no larger than 16 inches in height by eighteen inches in width; not illuminate a production facility sign advertising a marijuana product at any time; not advertise marijuana brand names or utilize

graphics related to marijuana on the exterior of the production facility or the building in which the production facility is located; and not display marijuana and paraphernalia so as to be clearly visible from the exterior of a production facility.

4. Production facilities must comply with Connecticut General Statutes § 21a-408 et seq and Regulations of Connecticut State Agencies 21a-408-1 to 21a-408-70, inclusive, as said Statutes and Regulations may be amended from time to time.

B. Medical marijuana dispensary facilities shall be allowed in IG zones subject to the requirements of § 177-42A and the following additional provisions:

1. Dispensary facilities shall not be permitted within 200 feet of any school, municipal park or recreational facility, place of worship, or single-family or multi-family residential zone. Said distance requirement shall be measured by taking the nearest straight line between the respective lot boundaries of said sites.

2. No dispensary facility shall be permitted on a site that is within 1,000 feet from an existing dispensary facility. Said distance requirement shall be measured by taking the nearest straight line between the respective lot boundaries of said sites.

3. Dispensary facilities must comply with Connecticut General Statutes § 21a-408 et seq and Regulations of Connecticut State Agencies 21a-408-1 to 21a-408-70, inclusive, as said Statutes and Regulations may be amended from time to time.

See Attachment A for charts.

Councilors Cantor, Captain, Davidoff, Kindall and Slifka voted YES.

Councilors Barnes, Doar and Hall voted NO

Councilor Casperson Abstained.

Ms. Labrot: And it passes.

President Slifka: Okay. Now we return to...uh...the debate on the ordinance as amended. I don't know if there's any debate left, but everybody's right to speak. If not, we will call the question. Roll call please, Ms. Labrot. This is on the item overall as amended.

Councilors Cantor, Captain, Davidoff, Kindall and Slifka voted YES

Councilors Barnes, Doar, and Hall voted NO

Councilor Casperson Abstained

Ms. Labrot: It passes.

President Slifka: Okay. Well, at least we can move on. Number ten, please, Mrs. Cantor?

ITEM #10: ORDINANCE AMENDING THE FEE STRUCTURE FOR PLANNING, ZONING, SUBDIVISION AND INLAND WETLANDS APPLICATIONS AS ESTABLISHED IN THE WEST HARTFORD CODE OF ORDINANCES

ADOPTED SUBSTITUTE, VOTE 8-0

Councilor Cantor: I move that we adopt.

Councilor Kindall: Second.

President Slifka: Motion is made and seconded. We had a Public Hearing on this earlier this morning, and...Mr. Van Winkle, do you have anything to add?

Mr. Van Winkle: This ordinance increases fees on certain zoning activity in order to ensure that we cover the cost of that regulation.

President Slifka: Thank you, sir. Anything further? Okay, this being an ordinance, we need a roll call, please, Ms. Labrot?

Councilors Barnes, Cantor, Captain, Davidoff, Doar, Hall, Kindall and Slifka voted YES.

Ms. Labrot: Miss Casperson was absent in that three-minute Public Hearing, so Mr. Davidoff? It passes.

President Slifka: Thank you. Go to number twelve, Mrs. Cantor.

ITEM #12: RESOLUTION TO AMEND THE FISCAL YEAR 2013-2014 GENERAL FUND, CAPITAL NON-RECURRING EXPENDITURE FUND AND CAPITAL PROJECTS FUND BUDGETS FOR THE PURPOSE OF FUNDING \$550,000 IN CAPITAL PROJECTS

ADOPTED

WHEREAS, actual supplemental motor vehicle tax revenue, prior year tax revenue and interest & lien fee revenue earned in the General Fund for fiscal year 2013-2014 exceed the original estimated revenues by \$550,000 and said funds are available for appropriation, and

WHEREAS, the Town wishes to appropriate this revenue to fund a transfer of \$550,000 to the Capital and Non-Recurring Expenditure Fund (CNRE) for the funding of capital projects,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD that a transfer of \$550,000 to the CNRE Fund is hereby authorized and the Fiscal Year 2013-2014 General Fund budget is hereby amended as follows:

Increase Estimated Revenues

01-911000-90000-9004	Supplemental Motor Vehicle Taxes	\$250,000
01-911000-90000-9007	Prior Year Taxes	\$150,000
01-911000-90000-9016	Interest & Lien Fees	\$150,000

<u>Increase Appropriations</u>		
01-900100-10503-4058	Transfer to CNRE Fund	\$550,000

AND, BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD that the Fiscal Year 2013-2014 CNRE Fund budget is hereby amended as follows:

<u>Increase Estimated Revenues</u>		
33-910800-30506-9386	Transfer from General Fund	\$550,000

<u>Increase Appropriations</u>		
33-910800-30506-4058	Transfer to Capital Projects Fund	\$550,000

AND, BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD that the following amounts are hereby appropriated in the Capital Projects Fund:

<u>Project</u>	<u>Amount</u>
871540 Traffic System Management	\$ 50,000
851511 BOE – Computer Infrastructure	300,000
831534 Outdoor Pool Improvements	50,000
891512 Communications Infrastructure	<u>150,000</u>
TOTAL	\$550,000

Councilor Cantor: I move that we adopt.

Councilor Kindall: Second.

President Slifka: Motion is made and seconded. Despite the hour, Mr. Van Winkle, I felt compelled to at least explain to the public something involving \$550,000 in spending, so...

Mr. Van Winkle: This is something we've done over the last few years. We are running at a surplus in this year's budget, at about a million and a half dollars. During our budget discussions, we talked about appropriating a portion of that surplus to pay for the Capital Non-Recurring, those are capital projects that have shorter life that we don't fund with bonds out of this year's surplus, and that's what you're doing tonight.

President Slifka: Thank you. Any further discussion? Okay, if not, all those in favor?

[Several Speakers]: Aye.

President Slifka: Those opposed? The motion carries. We're up to announcements. I think we'll skip that. Uh, report from Corporation Counsel. Joe, I'm guessing you don't have...

Mr. O'Brien: Oh, we can skip that, too.

ITEM #17: APPOINTMENTS

President Slifka: Thank you. Appointments? Denise, you have a few, right?

Councilor Hall: I do. I would like to make a motion to appoint Charles Andrew to the Human Rights Commission with a term ending June 24, 2017, and also to appoint Daniel Smith to the Commission on Veterans' Affairs with a term ending June 24, 2017.

Councilor Barnes: Second.

President Slifka: Motion is made and seconded. All those in favor?

[Several Speakers]: Aye.

President Slifka: Those opposed? Motion carries. We are up to...no executive session, so Consent Calendar, Mrs. Cantor.

ITEM #27: CONSENT CALENDAR

ADOPTED

ITEM #11: RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AND DELIVER A CONTRACT WITH THE CONNECTICUT STATE LIBRARY FOR A HISTORIC DOCUMENTS PRESERVATION GRANT

BE IT RESOLVED that Ronald Van Winkle, Town Manager for the Town of West Hartford, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for a Historic Documents Preservation Grant.

ITEM #13: RESOLUTION ACCEPTING AND APPROPRIATING A DONATION IN THE AMOUNT OF \$12,000 FROM THE MORLEY SCHOOL PTO TO REPLACE PLAYGROUND EQUIPMENT AT MORLEY ELEMENTARY SCHOOL

WHEREAS, the Town of West Hartford has programmed funds in its Capital Improvement Program (CIP) for the purpose of replacement of the kindergarten playground equipment at Morley Elementary School, and

WHEREAS, the Morley Elementary School Parent/Teacher Organization (PTO) has been working to raise funds to assist with these improvements, and

WHEREAS, the PTO has raised \$12,000 for this purpose and wishes to donate these funds to the Town,

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of West Hartford wishes to recognize and thank the Morley Elementary School PTO for their generous

donation and hereby amends the Fiscal Year 2013-2014 Capital Projects Fund Budget as follows:

Increase Estimated Revenue

41-861464-80006-9340 Contributions \$12,000

Increase Appropriations

41-861464-80006-3037 Site Work \$12,000

ITEM #14: RESOLUTION AUTHORIZING EXECUTION OF PARKING LOT LEASE

WHEREAS AK Central Limited Partnership (“AK”) is the owner of property at 13-17 South Main Street, West Hartford; and

WHEREAS AK and the Town are parties to a lease pursuant to which the Town is authorized to use a portion of AK’s property as a part of the Town-operated public parking lot commonly known as the Farmington Avenue Lot; and

WHEREAS AK has acquired property at 11 South Main Street and is in the process of obtaining approval to redevelop that property in a manner which will require it to use a portion of the land leased to the Town during demolition and construction; and

WHEREAS AK and the Town wish to continue their relationship and the Town’s operation of a public parking lot on AK’s property for the benefit of West Hartford center merchants and patrons, but certain details of that lease must be revised to acknowledge AK’s needs during its redevelopment of 11 South Main Street

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD THAT the Town Manager is hereby authorized to execute a “Successor Parking Lot Lease” with AK Central Limited Partnership in substantially the form attached hereto.

SUCCESSOR PARKING LOT LEASE

THIS INDENTURE, made this 1st day of _____, 2014, between AK Central Limited Partnership, hereinafter referred to as “Lessor,” and the Town of West Hartford, hereinafter referred to as “Lessee,” a municipal corporation existing under the laws of the State of Connecticut and located in Hartford County, acting herein by Ronald F. Van Winkle, its Town Manager, duly authorized,

W I T N E S S E T H:

WHEREAS the Lessor and Lessee are parties to an existing parking lot lease dated November 1, 2009, which lease is for a term of five (5) years from November 1, 2009, to October 31, 2014; and

WHEREAS the Lessor is in the process of developing certain property adjoining the land which it leases to the Lessee; and

WHEREAS the Lessor's development plans require it to reoccupy a portion of the leased property temporarily for the purposes of construction staging and materials storage; and WHEREAS following completion of its construction, the parties wish to continue their existing lease relationship, but the lease area will be modified as a result of the Lessor's construction plans

NOW THEREFORE IT IS AGREED BY THE PARTIES THAT in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

1. The effective date of this lease shall be that date upon which the Lessor provides notice to the Lessee in substantially the form attached hereto as Exhibit A.

2. As of the effective date of this lease, the existing parking lot lease dated November 1, 2009, between the Lessor and the Lessee is hereby terminated as if it had expired due to the completion of the term thereof and this lease shall become effective in the manner of a renewal of the existing parking lot lease.

3. As of the effective date of this lease, the Lessor does hereby lease to the Lessee, to have and to hold, for the period of ten (10) years from the date set forth above, the property described below:
a. Construction Period: From the effective date of this lease until the date upon which the terms of subsection (b) are satisfied, the property leased by the Lessor to the Lessee shall be:

PROPERTY DESCRIPTION

all as is shown in the sketch attached hereto as Exhibit C.

b. Post-Construction: At such time as neither the Lessor nor any of its contractors or subcontractors require the further use of the property identified in Exhibit C to the Successor Parking Lot Lease as "Construction Staging Area" and when that "Construction Staging Area" has been cleared of all construction equipment, fencing, materials, debris or other matter, the Lessor shall provide notice to the Lessee in substantially the form attached hereto as Exhibit B and the property area leased by the Lessor to the Lessee shall be adjusted to include the following area:

PROPERTY DESCRIPTION

all as is shown in the sketch attached hereto as Exhibit D.

For purposes of this lease, the term "demised premises" shall mean the area of property described above which is then currently leased by the Lessor to the Lessee.

4. The Lessor reserves unto itself, its successors, assigns and tenants free pedestrian and vehicular access to lands and buildings of the Lessor adjoining the demised premises for loading, unloading, service, delivery, maintenance, and all other normal activity incidental to the usage of said lands and buildings, including, but not limited to, the removal of any and all kinds of material and equipment and including, specifically, the right of any residential tenants at 11 South Main Street access through the leased area at all hours of the day or night. Except as may be specifically provided herein to the contrary, this reservation does not include any license to or for free parking of vehicles, either long term or short term, other than that accorded and offered to all prospective users of the demised premises under a program or programs of various adopted and published rates as promulgated by the Lessee from time to time.

5. Said above-described premises shall be used for the public parking of motor vehicles, and for vehicular and pedestrian entrance and exit in connection therewith.

6. Lessee shall pay as rent for any lease year an amount equal to the amount of real estate taxes which became due and payable during such lease year with respect to the area of the property then being leased. For purposes of this calculation, the lease year shall be the period from January 1 to the following December 31. Rent shall be pro-rated in the first lease year to reflect

only that portion of the year from the effective date of this lease until the subsequent December 31st. Rent for the applicable lease year shall also be pro-rated as of the date upon which the Lessor provides notice to the Lessee in the form set forth in Exhibit B to reflect the change in the area of property leased.

7.Said annual rent shall be paid in advance in semi-annual installments, one-half to be paid on the first day of January of each year, and the second half to be paid on the first day of July next following. In any lease year when rent is to be prorated, the adjustment shall be made to the next installment of rent which comes due following the date of said adjustment.

8.The Lessee shall have the right to assign or underlet the herein demised premises or any part thereof during the term of this lease to any public or municipal agency, but not to a private individual or firm in business for profit. The Lessee agrees that said premises shall not be used for any other purpose than the parking of motor vehicles and for vehicular and pedestrian traffic in connection with parking facilities. The Lessor agrees that the Lessee may landscape and beautify the demised premises as Lessee may decide in connection with the usage herein specified. The Lessee shall have no duty to remove any trees, shrubs or flowers planted by the Lessee in the demised premises.

9.The Lessee shall have the right to charge parking fees and to install parking meters, parking gates or any other devices it shall deem appropriate for the collection of parking fees or for the regulation of parking or traffic. The Lessee shall also have the right to erect signs, barriers and other devices which it may deem necessary for the operation of said premises as a parking lot. Upon the expiration or termination of this lease or any renewal thereof, it shall be the duty of the Lessee to remove, within thirty (30) days after receipt of written notice from the Lessor to do so, any parking meters, poles, posts, signs, barriers, gates and other devices or any parts thereof installed by the Lessee during the period of this lease, any previous lease or any renewal of this lease. Any holes caused by such removal shall to the extent possible be filled in with materials comparable to that removed in connection with the installation of said meters, poles, posts, signs, barriers, gates and other devices.

10.The Lessee agrees during the term of this lease to maintain and keep in good repair at its own expense, including snow removal, the demised premises. The Lessee also agrees to supervise and police the demised area for the purpose of maintaining the orderly public parking of vehicles. The Lessee reserves the right to improve said premises at its own expense, by reconstruction, regrading or resurfacing. The Lessee shall be under no obligation at the conclusion of the lease to restore the demised premises to their original condition prior to said reconstruction, regrading or resurfacing.

11.The Lessee agrees to notify the Lessor promptly if any of the leases applicable to other portions of the Lessee's parking lot located behind the Lessor's property at 15-17 South Main Street, West Hartford is terminated by any party for any reason.

12.The Lessee agrees to comply with and conform to all state and municipal laws, rules and regulations relating to or concerning the demised premises. Lessee agrees to indemnify and save the Lessor harmless from all claims and liabilities for losses of or damage to property or injuries to persons occurring on the demised premises and to name the Lessor as an additional insured with respect to any policies of insurance (or self-insurance) providing coverage with respect to such claims.

13.It is mutually agreed by and between the parties that the terms "Lessor" and "Lessee" shall be deemed to include, and this lease shall be binding on, the respective heirs, successors, legal representatives and assigns of the parties hereto.

14. This lease shall be subject to cancellation by either party upon one hundred eighty (180) days' written notice to the other. Notice of termination in such case shall be sent by registered or certified mail, return receipt requested. The Lessor shall send such notice of termination to Town Manager, Town of West Hartford, 50 South Main Street, West Hartford, CT 06107. The Lessee shall send such notice of termination to Abraham Kaoud, AK Central Limited Partnership 17 South Main Street, West Hartford, CT 06107. In the event of a termination of the lease pursuant to this section, the rent due subsequent to the issuance of the termination notice shall be prorated for the period of time remaining until the termination of the lease.

IN WITNESS WHEREOF, the parties have caused this lease to be duly executed in duplicate and their respective seals affixed, on the date indicated above.

WITNESSED:

TOWN OF WEST HARTFORD, LESSEE

Ronald F. Van Winkle, Town Manager

By _____

Duly Authorized

LESSOR

AK CENTRAL LIMITED PARTNERSHIP

By _____

Abraham Kaoud

ITEM #19: FROM TOWN PLAN AND ZONING COMMISSION RE 243 STEELE ROAD – RECOMMENDING APPROVAL

ITEM #20: FROM TOWN PLAN AND ZONING COMMISSION RE ORDINANCE AMENDING FEE STRUCTURE FOR PLANNING, ZONING, SUBDIVISION AND INLAND WETLAND APPLICATIONS – RECOMMENDING APPROVAL

ITEM #21: FROM TOWN PLAN AND ZONING COMMISSION RE PARKING LOT LEASE WITH AK CENTRAL LIMITED PARTNERSHIP – RECOMMENDING APPROVAL

ITEM #22: FROM DESIGN REVIEW ADVISORY COMMITTEE RE 243 STEELE ROAD – RECOMMENDING APPROVAL

ITEM #23: FROM CAPITOL REGION COUNCIL OF GOVERNMENTS RE ORDINANCE AMENDING FEE STRUCTURE FOR PLANNING, ZONING, SUBDIVISION AND INLAND WETLAND APPLICATIONS – FINDING NO

APPARENT CONFLICT WITH REGIONAL PLANS AND POLICIES OR THE CONCERNS OF NEIGHBORING TOWNS

ITEM #24: FROM TOWN PLAN AND ZONING COMMISSION RECENT PLANNING ACTIONS: 85 MEMORIAL ROAD, 701 FARMINGTON AVENUE, 3115 ALBANY AVENUE, 847 SOUTH QUAKER LANE, 425 OAKWOOD AVENUE, 134 NORWOOD ROAD, 75 ISHAM ROAD, 90 STONER DRIVE

ITEM #25: FROM INLAND WETLAND AND WATERCOURSES AGENCY RECENT PLANNING ACTIONS: TROUT BROOK DRIVE, 847 SOUTH QUAKER LANE, 243 STEELE ROAD, 2 FERNCLIFF DRIVE, 93 WATERSIDE LANE, 90 RAYMOND ROAD, 15 GREENRIDGE LANE, 97 WATERSIDE LANE

ITEM #26: MINUTES FROM PUBLIC SAFETY COMMITTEE 6/6/14

Councilor Cantor: Move that we adopt.

Councilor Kindall: Second.

President Slifka: Motion is made and seconded. All those in favor?

[Several Speakers]: Aye.

President Slifka: Those opposed? Motion carries. Twenty-eight, Mrs. Cantor.

ITEM #28: FROM TODD DUMAIS, TOWN PLANNER (6/11/14), NOTICE OF TOWN PLANNER'S INTENTION TO APPROVE PURSUANT TO SECTION 177-44C(9) A REQUEST ON BEHALF OF BLACK & VEATCH CORPORATION SEEKING APPROVAL FOR MINOR REVISIONS TO THE APPROVED SPECIAL DEVELOPMENT DISTRICT PLAN (SDD #6) FOR THE INSTALLATION OF EIGHT PROPRIETARY TESLA MOTORS ELECTRIC CAR CHARGING STATIONS, FOUR SUPERCHARGER UNITS, ONE SWITCHGEAR UNIT, A NEW TRANSFORMER AND REMOVAL AND REPLANTING OF TWO LANDSCAPE ELEMENTS FOR THE CORBINS CORNER SHOPPING CENTER AT 1445 NEW BRITAIN AVENUE

See Attachment B.

RECEIVED

Councilor Cantor: Move that we receive.

Councilor Kindall: Second.

President Slifka: Motion is made and seconded. All those in favor?

[Several Speakers]: Aye.

President Slifka: Those opposed? Motion carries. Twenty-nine, Mrs. Cantor.

**ITEM #29: FROM DANIEL DOERER (6/4/14) REGARDING PUBLIC ACT NO. 13-61,
PROPERTY TAX EXEMPTIONS FOR RENEWABLE ENERGY SOURCES**

Councilor Cantor: I move that we receive.

Councilor Kindall: Second.

President Slifka: Motion is made and seconded. All those in favor?

[Several Speakers]: Aye.

President Slifka: Those opposed? Motion carries.

**ITEM #30: FROM PEGGY GRAY (6/2/14) RESIGNING FROM THE WEST
HARTFORD VETERANS AFFAIRS COMMISSION**

President Slifka: Number thirty.

Councilor Cantor: Sorry . Move that we receive.

Councilor Kindall: Second.

President Slifka: Motion is made and seconded. I'd just like to thank Peggy for her many years of service. There really would not be a Veterans' Affairs Commission without Peggy. I know everyone concurs. All those in favor?

[Several Speakers]: Aye.

President Slifka: Those opposed? Motion carries. Thirty-one.

**ITEM #31: FROM CHRISTOPHER STRATTON (6/16/14) RESIGNING AS A
COUNCIL ALTERNATE**

Councilor Cantor: From Chris Stratton resigning as a Council Alternate—oop, that's happening a lot lately. I move that we receive.

Councilor Kindall: Second, and who can blame him.

President Slifka: Motion is made and seconded. There is an explanation; he served greatly, and we thank him for that, but he has now been appointed the Deputy Registrar of Voters, so...that's...that's the need for his resignation. All those in favor?

[Several Speakers]: Aye.

President Slifka: Those opposed? Motion carries. We have no petitions, so I'd like to entertain a motion to adjourn.

Councilor Cantor: So moved.

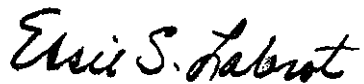
Councilor Kindall: Second.

President Slifka: All those in favor?

[Several Speakers]: Aye.

President Slifka: Those opposed? I think we made it past two, so motion carries. Good night everybody.

Meeting adjourned at 2:01 AM.



Essie S. Labrot
Town Clerk/Council Clerk

/jw

APPROVED AT JULY 22, 2014, TOWN COUNCIL MEETING